

Remarks

This Amendment is in response to the Office Action dated **April 26, 2007**. In the Office Action, a second restriction requirement was presented; the specification was objected to; the drawings were objected to; claims 1-16 were rejected under 35 USC 112; claims 1-3, 6-8 and 11-14 were rejected under 35 USC 102(e) as being anticipated by Le Comte et al (6,818,182); claims 1-3 and 6-9 were rejected under 35 USC 102(e) as being anticipated by Hubert et al. (6,589,789) and claim 10 was rejected under 35 USC 103(a) as being unpatentable over Hubert (6,589,789).

The following comments are presented in the same order, with section headings, as the Office Action.

Office Action Summary

Applicants note that the Office Action Summary stated that claims 4 and 5 were objected to, but the objection was not stated in the Office Action. Applicants request clarification as to the nature of the objection to claims 4 and 5.

Applicants further note that the Office Action Summary stated that claims 1-3 and 6-16 were rejected, however except for a general 35 USC 112 rejection of all claims, in which only claims 1, 10 and 12 were specifically rejected claims 15 and 16 were not rejected in either the Le Comte rejection or the Hubert rejection. Applicants request clarification as to the nature of the rejection of claims 15 and 16.

New claims

Applicants added new independent claim 36 which is supported by pages 10-12 and Figs. 1-3 of the application as filed.

Based on the assumption that claims 4 and 5 were objected to as being allowable if rewritten in independent form, Applicants added new independent claim 37, which is supported by claims 1 and 4 as filed and new dependent claim 38, which is supported by claim 5 as filed.

Restriction

In the Office Action, a second restriction requirement was presented between 1) claims 1-16 drawn to a gripping tool; 2) claims 17-25 drawn to a dosage tool; and claims 26-35 drawn to a tool support for an automatic laboratory machine. The Office Action requested affirmation of the provisional election made without traverse in a telephone conversation on April 20, 2007.

In response, Applicants elects invention 1, corresponding to claims 1-16 and 36-38.

Specification

In the Office Action, the specification was objected to. Specifically, the drawings were objected to as failing to comply with 37 CFR. 1.84(p)(5) and claims 1-16 were objected to because of informalities.

Applicant made several amendments to the specification in order to correct typographical errors. Support for the amendments can be found in the application and drawings as filed. No new matter was added.

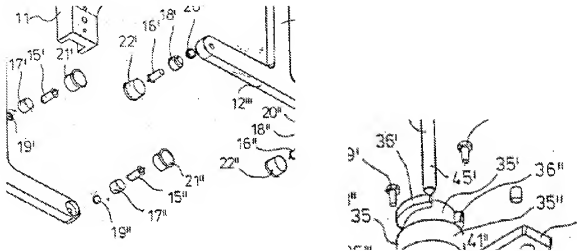
See below for response to the objection to the drawings.

Claims 1-16 were objected to because reference number 49 is referred to a coupling appliance, which is not consistent with the specification where reference numeral 79 is disclosed as the coupling appliance and 49 is the driving feature. Applicants note that page 5, line 11 of the application as filed states that “[a]ccording to a form of realization, the coupling appliance is a driving feature.” Because the claims are consistent with the specification, Applicants request withdrawal of the objection.

Drawings

In the Office Action, the drawings were objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 15, 16, and 36. Applicant notes that 15, 16, and 36 are not in the specification. However, reference numerals 15’, 15’’, 16’, 16’’, 36’ and 36’’ are in the specification (see page

11, lines 4, 8, 12-13, 26-27 and page 13 line 11). These reference numerals are in the drawings, as shown below:



For at least this reason, Applicants request withdrawal of the objection to the drawing.

35 USC 112

In the Office Action, claims 1-16 were rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 1, the Office Action asserts that it is unclear what the pronouns “them” and “it” are directed as recited in lines 4 and 7, respectively. Applicant has amended claim 1 to clarify the meaning of “them” and “it.”

As to claim 10, the Office Action asserts that the limitation “the threaded nut” in the last line has insufficient antecedent basis. Applicants have amended claim 10 so that “the threaded nut” has antecedent basis.

As to claim 12, the Office Action asserts that the limitation “the appliance for indicating” in line 3 has insufficient antecedent basis. Applicants have amended claim 12 so that “the appliance for indicating” has antecedent basis.

For at least these reasons, Applicants request withdrawal of the rejection and

assert that claims 1-16 are in condition for allowance.

35 USC 102(e) – Le Comte

In the Office Action, claims 1-3, 6-8 and 11-14 were rejected under 35 USC 102(e) as being anticipated by Le Comte (6,818,182).

Applicant has amended claim 1 to recite in part “an appliance for converting and/or transferring (42, 45) of rotational movements ... a coupling appliance (49) for detachable connection with a rotational drive appliance (78) of a tool support (66) of an automatic laboratory machine ... a mounting appliance (35, 36) for detachable mounting of the gripping tool (1) on the tool support (66) of the automatic laboratory machine, while the coupling appliance (49) is connected with the rotational drive appliance (78) of the tool support (66).” Support for the amendment can be found at least in claim 27 and page 4, lines 17-25 of the application as filed. No new matter was added.

The Office Action asserts that Le Comte anticipates independent claim 1. Independent claim 1 recites in part: “[g]ripping tool for automatic laboratory machines, with ... a coupling appliance (49) for *detachable connection* with a rotational drive appliance (78) of a tool support (66) of an automatic laboratory machine, which is coupled with the drive of the appliance for converting and/or transferring (42, 45) in order to drive the gripping tool.” (emphasis added).

Applicants note that the Office Action did not correlate any of the elements of the instant claims to any of the portions of the Le Comte device, but merely recited the details of the Le Comte device. Thus, for example, the Office Action does not state which portion of the device of Le Comte that was considered to be equivalent to the tool support recited in independent claim 1.

Applicants assert that Le Comte does not teach a coupling appliance for detachable connection with a rotational drive appliance, as recited in independent claim 1. Le Comte teaches a device that includes a means of agitation 30 that includes two pick-up mechanisms 32 (col. 4, lines 52-57). Contrary in independent claim 1, Le Comte does not teach that the means of agitation 30 has “a coupling appliance for *detachable connection* with a rotational drive appliance of a tool support of an automatic laboratory machine.” Le Comte teaches that the means of agitation 30 comprises a shaft 90 which “carries a screw 92 (threaded

rod) operating in conjunction with a nut 94 to form a mechanism 96 of the screw/nut type (FIGS. 4 and 5). The nut 94 is fixed to a sleeve 95 guided in a flange 98 and is connected to a mobile head 100 which supports the two pick-up elements 32” (col. 6, lines 51-55). Nowhere does Le Comte teach that any portion of the device is detachable or removable, let alone teach that the means of agitation 30 is detachable or removable, contrary to independent claim 1.

Independent claim 1 further recites “[g]ripping tool for automatic laboratory machines, with ... a mounting appliance (35, 36) for *detachable mounting* of the gripping tool (1) on the tool support (66) of the automatic laboratory machine, while the coupling appliance (49) is connected with the rotational drive appliance (78) of the tool support (66)” (emphasis added). Applicants assert that Le Comte does not teach or suggest “a mounting appliance for *detachable mounting* of the gripping tool,” as recited in independent claim 1 (emphasis added). As discussed above, nowhere does Le Comte teach that any portion of the device is detachable or removable.

For at least these reasons, Applicants request withdrawal of the rejection and assert that claims 1-3, 6-8 and 11-14 are in condition for allowance.

35 USC 102(e) – Hubert

In the Office Action, claims 1-3 and 6-9 were rejected under 35 USC 102(e) as being anticipated by Hubert (6,589,789).

Applicants note that the Office Action did not correlate any of the elements of the instant claims to any of the portions of the Hubert device, but merely recited the details of the Hubert device. Thus, for example, the Office Action does not state which portion of the device of Hubert that was considered to be equivalent to the tool support recited in independent claim 1.

Independent claim 1 recites in part “[g]ripping tool for automatic laboratory machines, with ... a coupling appliance (49) for *detachable connection* with a rotational drive appliance (78) of a tool support (66) of an automatic laboratory machine ... a mounting appliance (35, 36) for *detachable mounting* of the gripping tool (1) on the tool support (66) of the automatic laboratory machine” (emphasis added).

Applicants note that Hubert does not teach that any portion of the device is

detachable as recited in independent claim 1.

35 USC 103(a) – Hubert

In the Office Action, claim 10 was rejected under 35 USC 103(a) as being unpatentable over Hubert (6,589,789).

As discussed above, Hubert does not teach or suggest all the elements of independent claim 1, from which claim 10 depends. For at least this reason, Applicants request withdrawal of the rejection and assert that claim 10 is in condition for allowance.

Conclusion

Based on at least the above, Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-16 and 36-38 is requested.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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